IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.217 OF 2004
IN
LETTERS PATENT APPEAL (ST.) NO.36780 OF 1997

M/s.Aushadhi Bhavan Ayurved Seva Sangh ...Applicant.

Vs.

Shri.Balu T. Banchode ...Respondent.

Mr.S.M.Naik, Advocate for the applicant.

Ms.Seema Sarnaik, Advocate for the respondent.

CORAM : SMT.RANJANA DESAI AND SMT.V.K.TAHILRAMANI,JJ.

DATED : OCTOBER 04, 2006.

P.C.:-

1. Heard learned counsel for the parties.

2. Mr.Naik, the learned counsel for the applicant says that in the interest of justice delay in filing the letters patent appeal be condoned. On the other hand, Ms.Sarnaik, the learned counsel for the respondent opposes the present application.

3. In our opinion, in the facts and circumstances of the present case and in the interest of justice,

delay needs to be condoned. However, the applicant must be saddled with costs. Hence the following order :-

ORDER

Delay in filing letters patent appeal is condoned, on the applicant paying to the respondent costs quantified at Rs.5,000/-.

Payment of costs is condition precedent for the condonation of delay. Costs to be paid within a period of three weeks from today.

On costs being paid the delay shall stand condoned.

Civil Application is disposed of.

[SMT.RANJANA DESAI,J.]

[SMT.V.K.TAHILRAMANI,J.]